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14 Attorneys for Plaintiff

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16 **UNITED STATES DISTRICT COURT**
17 **DISTRICT OF NEVADA**

18 TIM D. FULLMER, as natural parent of
19 TIMOTHY FULLMER, a minor, TI'MIA
20 FULLMER, a minor, and TI'MAR FULLMER,
21 a minor.

22 CASE NO.: 2:09-cv-01442-BES-PAL

23 Plaintiff,

24 v.

25 ANITA BROWN, individually, BOBBY
26 JONES, individually, BERNADETTE BROWN,
27 individually, ALVIN CARTER, individually,
28 FELICIA TUCKER, individually and in her
29 official capacity; AMY JAFFE, individually and
30 in his official capacity, SUSAN ROTHSCHILD,
31 individually and in her official capacity;
32 COUNTY OF CLARK, a political subdivision
33 of the State of Nevada; DOES III-X, individuals;
34 and ROE CORPORATIONS I-X,

35 **PETITION FOR COMPROMISE
36 OF MINORS' CLAIMS
37 WITH ANITA BROWN**

38 Defendants.

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42  GANZ & HAUF

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1 Petitioners, TIM FULLMER and TANYA ROBINSON, as natural parents of TIMOTHY
2 FULLMER, a minor, TI'MIA FULLMER, a minor, and TI'MAR FULLMER, a minor, by and
3 through their attorney, MARJORIE HAUF, ESQ., of the law firm of GANZ & HAUF, hereby
4 bring this Petition for Approval of Compromise of Minors' Claims. This Petition is based upon the
5 pleadings and papers on file herein, the Points and Authorities attached hereto, and any oral
6 argument entertained by the Court.

7 DATED this 18th day of October, 2011.

8 GANZ & HAUF



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10 MARJORIE HAUF, ESQ.
11 Nevada Bar No. 008111
12 8950 W. Tropicana Ave., Suite 1
13 Las Vegas, Nevada 89147

14 **MEMORANDUM OF POINTS AND AUTHORITIES**

15 **I. FACTS**

16 **A. FACTS RELEVANT TO THIS ACTION**

17 This case arises out of the alleged neglect and abuse suffered by Ti'mia Fullmer, Ti'mar
18 Fullmer and Timothy Fullmer (hereinafter the "Fullmer Children") while residing in Anita
19 Brown's home. In March of 2004, Clark County removed the Fullmer Children from the custody
20 care and control of their parents, Tim and Tanya Fullmer. The Fullmer Children were placed in the
21 custody of Defendant Clark County. In approximately March of 2004, Clark County placed the
22 Fullmer Children, in the care, custody and control of Defendant Anita Brown. During the course of
23 the Fullmer Children's stay with Defendants Anita Brown, the Fullmer Children were neglected
24 and abused.

Plaintiffs filed their Complaint on June 11, 2009. After more than two years of litigation
and negotiation, Plaintiffs have reached a settlement with Defendant ANITA BROWN. Plaintiffs

1 now request that this Honorable Court approve the compromise of the claim of the minors by
2 Petitioners and authorize the Petitioners to execute appropriate documents and releases of liability
3 arising from the aforementioned event.

4 **II. ARGUMENT**

5 **A. PETITION FOR APPROVAL OF COMPROMISE OF MINORS' CLAIM**

6 COME NOW Petitioner, TIM FULLMER, pursuant to N.R.S. 41.200 and respectfully state
7 and allege as follows:

8 1. That the Petitioner is the Natural Parent of the person and estate of the minors,
9 Ti'mia Fullmer, Ti'mar Fullmer and Timothy Fullmer, residing at 1825 E. Lewis Ave., #250, Las
10 Vegas, 89101.

11 2. That the true and correct names of the minors are Ti'mia Fullmer, Ti'mar Fullmer
12 and Timothy Fullmer.

13 3. That Timothy Fullmer is a minor, born on May 9, 1995, and therefore is sixteen
14 years old.

15 4. That Ti'mia Fullmer is a minor, born on February 15, 1998, and therefore is thirteen
16 years old.

17 5. That Ti'mar Fullmer is a minor, born on June 13, 2000, and therefore is eleven
18 years old.

19 6. That the minor children reside with the Petitioner at 1825 E. Lewis Ave., #250, Las
20 Vegas, 89101.

21 7. That the Petitioner has physical custody of the minors.

22 8. That as a result of the incidents resulting in the alleged abuse and neglect of the
23 minor Fullmer Children while in this foster home, the Petitioner, on behalf of the minors, made a
24 claim for damages against ANITA BROWN.

1 9. That as a result of the alleged abuse and neglect, the Fullmer Children allegedly
2 sustained pain and suffering.

3 10. That Plaintiffs have concurrently filed a Petition for Minors Compromise with Clark
4 County, which encapsulates the settlement agreement that has been reached with several other
5 Defendants ("CLARK COUNTY Defendants").

6 11. That Plaintiffs' attorney costs are being reimbursed directly by CLARK COUNTY
7 Defendants and will not be deducted from the above settlement.

8 12. That Petitioner has negotiated a monetary settlement with ANITA BROWN on
9 behalf of the minor Fullmer Children, in the total amount of \$20,000, distributed as follows:

10 TIMOTHY FULLMER, a minor: \$5,000

11 TI'MIA FULLMER, a minor: \$10,000

12 TI'MAR FULLMER, a minor: \$5,000

13 13. That the attorney fees for the minor Fullmer Children are contingent fees in the
14 amount of \$8,000.00, which is 40% percent of the proceeds.

15 14. That Petitioner is aware of a single outstanding lien, in the amount of \$900, payable
16 to Lisa B. Shaffer, Psy.D., a licensed clinical psychologist who treated Ti'Mia Fullmer. Petitioner
17 has included payment of Dr. Shaffer's lien in the Petition for Minors Compromise with Clark
18 County. If the Court chooses not to approve payment of that lien from the settlement with CLARK
19 COUNTY Defendants, Petitioner requests leave to modify this Petition for Minors Compromise
20 with Anita Brown to include payment of that lien.

21 15. That upon information and belief there exist no additional expenses and/or liens.

22 16. That, therefore, Petitioner is requesting that the following be paid out of the Fullmer
23 Children's settlement in the amount of \$20,000.00:

24 Net Recovery to be placed in Timothy's Trust Account \$3,000.00

 Net Recovery to be placed in Ti'Mia's Trust Account \$6,000.00

1 Net Recovery to be placed in Ti'Mar's Trust Account \$3,000.00

2 Attorney Fees to Ganz & Hauf \$8,000.00

3 17. That the Petitioner believes acceptance of this compromise is in the best interest of
4 the minors.

5 18. That Petitioner has been advised and understand that acceptance of the compromise
6 will bar the minors from seeking any other relief from ANITA BROWN.

7 19. That Petitioner believes the proposed compromise of this claim to be fair and
8 equitable and respectfully request the Court to approve the same for the payment of the above
9 listed items.

10 20. That this Petition was prepared by Attorney, MARJORIE HAUF, ESQ., who
11 represents said Petitioner on behalf of said minors.

12 21. That Petitioner's verification is attached hereto.

13 22. That in the event this Honorable Court approves this proposed compromise, the
14 minors' portion of the settlement shall be placed in separate interest bearing blocked accounts, with
15 the institution receiving a copy of the Order in this matter which would preclude the withdrawal of
16 any funds from said account until each minor reaches the age of eighteen or by Order of the Court.

17 23. That Petitioner will file with the Court verification of said notice within 30 days of
18 the receipt of funds and establishing the account.

19 WHEREFORE PETITIONER PRAYS that this Honorable Court approve the compromise
20 of the claim of the minors by Petitioner without the need for filing of a bond or future accounts to
21 the Court, and authorize the Petitioner to execute appropriate documents and releases of liability
22 arising from the aforementioned event.

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1 **III. CONCLUSION**

2 Petitioners request that this Honorable Court approve the above compromise of the claim of
3 the minors by Petitioner and authorize the Petitioner to execute appropriate documents and
4 releases of liability arising from the aforementioned event.

5 DATED this 18th day of October, 2011.

6 GANZ & HAUF

7 Marjorie Hauf #11527
8 MARJORIE HAUF, ESQ.

9
10 ORDER

11 IT IS SO ORDERED.

12 R. Jones
13 ROBERT C. JONES

14 Dated this 7th day of December, 2011.

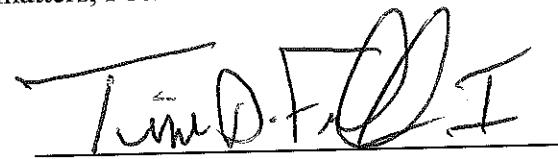
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1 STATE OF NEVADA)
2 COUNTY OF CLARK) ss.
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4 I, TIM FULLMER, having been duly sworn under oath, depose and say:
5

6 That I am the natural parent and guardian of TIMOTHY FULLMER, a minor, TI'MIA
7 FULLMER, a minor, and TI'MAR FULLMER, a minor, in the above-entitled action; that I have
8 read the foregoing PETITION FOR COMPROMISE OF MINORS' CLAIMS, and know the
9 contents thereof, and that the same is true of my own knowledge, except for those matters therein
10 stated on information and belief, and as for those matters, I believe them to be true.
11

12 Dated this 14 day of October, 2011.



13 TIM FULLMER
14

15 SUBSCRIBED and SWORN TO before me
16 this 14 day of October, 2011

17 Yolanda Carrillo
18 NOTARY PUBLIC

